

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Haim Emil DAHAN et al.	)	Group Art Unit: 3767
	)	
Application No.: 10/774,939	)	Examiner: Laura C. SCHELL
	)	
Filed: February 9, 2004	)	
	)	Confirmation No.: 8623
For: APPARATUS AND METHOD FOR	)	
MEASURING FLUID FLOW TO A	)	
SUCKLING BABY	)	

**MAIL STOP AMENDMENT**

**VIA EFS-Web**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the listed document on the attached IDS Form PTO/SB/08. This Supplemental Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. No item of information contained in the attached IDS Form PTO/SB/08 was cited in a communication from a foreign patent office in a counterpart application, and, to the knowledge of the undersigned after making a reasonable inquiry, no item of information contained in the attached IDS Form PTO/SB/08 was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Supplemental Information Disclosure Statement. Therefore, in accordance with § 1.97(c)(1), no fee is due for its submission.

A copy of the Office Action issued in co-pending U.S. Patent Application No. 11/300,515 is not enclosed, as it is available on the Image File Wrapper System of the United States Patent and Trademark Office's Patent Application Information Retrieval (PAIR) system. Applicant respectfully requests that the Office consider the listed document and indicate that it was considered by making appropriate notation on the attached form.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d (BNA) 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. *See also* M.P.E.P. § 2001.06(b). Accordingly, although Applicant is not representing that Office Action in a co-pending application is material to the present application and is not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicant has listed the substantive Office Action in the co-pending application on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitutes "prior art." If the Office applies the documents as prior art against any claim in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, Applicant reserves the right to present to the Office the relevant facts and law regarding the appropriate status of such document. Applicant further reserves the right to take appropriate action to establish

the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: May 17, 2010

By: /Jeffrey A. Freeman/  
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